

*Devised.* ultraviolet light a composition consisting essentially of substantially pure glutathione and a cosmetic carrier, the blend ratio of glutathione in the composition, on a dry basis, being 0.005-20.0 wt%.

REMARKS

Appreciation is hereby expressed to Examiner Prats for the thorough and detailed office action. Pursuant to that office action, new Claims 19 and 20 are presented herewith. New Claim 19 tracks Claim 1 with the addition of the glutathione being "substantially pure". Also, new Claim 20 tracks Claim 15 with the glutathione being "substantially pure". The term "substantially pure" has been proved when used in conjunction with other functional terms (see United Carbon Co. v. Binney & Smith Co., 317 US 221, 87 L.Ed. 232). The present amendment is deemed not to introduce new matter. Claims 1-17, 19 and 20 are pending, Claims 5-14 having been withdrawn from consideration as directed to non-elected subject matter.

Reconsideration is respectfully requested of the rejection of Claims 1-4 and 15-17 under 35 U.S.C. § 102(b) as being anticipated by N'Guyen, et al.

In the present invention, a method is provided of treatment for prevention of immunosuppression due to contact of the skin by ultraviolet light by applying to the skin before or during exposure to ultraviolet light an endermic liniment consisting essentially of glutathione in a particular blend ratio.

The invention also provides a method of treatment for alleviating reduction in immunofunctions due to contact of the skin by ultraviolet light by applying to the skin before or during exposure to ultraviolet light a composition consisting essentially of glutathione and a cosmetic carrier in a particular blend ratio.

In the rejection in paragraph 10 of the office action, the Examiner states that the N'Guyen, et al. reference discloses the preparation of a solar cream which comprises 0.05 wt% glutathione in a particular concentration. Applicants respectfully take issue with this statement after a careful consideration of the N'Guyen, et al. reference.

The N'Guyen, et al. reference relates to an antioxidant system which is usefully employed in fatty body containing compositions such as cosmetics or alimentary compositions. The purpose of this composition is to provide a new antioxidant system based on a stabilized ascorbyl ester containing combination of a complexing agent and at least one thiol.

One of the thiols identified in N'Guyen, et al. as useful in this new combination is glutathione (see Column 2, lines 16-19). After a careful reading of the N'Guyen, et al. reference, it is apparent that the glutathione is not present in an unreacted or substantially pure form. In this connection, N'Guyen, et al. states in Column 2, lines 13-15, that:

"By thiol is meant a reducing compound which maintains the ascorbyl esters under their reduced form."

Further, in Column 2, lines 48-53, N'Guyen, et al. state:

"It has been noted, in a quite surprising manner, that, in such combinations, the antioxidizing activity of the tocopherols and caffeic acid result in a significant synergistic effect because of the presence of the ascorbyl ester stabilized by the complexing agent - thiol couple."

Further, in Column 8 of N'Guyen, et al., the patentee states in lines 24-30 that:

"As can be noted, as a function of the curve corresponding to Solution D, the amount of degradation of ascorbyl palmitate is considerably lower than the other solutions which demonstrates the stabilizing character of the complexing agent (EDTA)-thiol (N-acetyl cysteine) couple."

It is respectfully submitted that the glutathione is not in substantially pure form in the composition but, instead, is either reacted directly with the ascorbyl ester, or coupled either by ionic or covalent bonds with the complexing agent, thus forming a "couple" with the complexing agent. It is equally clear that the basic chemical character of the glutathione has been changed since the glutathione is no longer a substantially pure glutathione, but instead, merely a component of another compound, i.e., the complexing-glutathione coupled stabilizer.

For this reason, applicants have submitted new Claims 19 and 20 which track Claims 1 and 15, and make it clear that the glutathione is "substantially pure" in form as opposed to being

coupled or reacted with either an ascorbyl ester or complexing agent.

In view of the foregoing, it is respectfully submitted that the N'Guyen, et al. reference in no way anticipates or renders unpatentably obvious the subject matter of the claims now in the case.

The test of the patentability of a method directed to a new use of an old compound is obviousness of that new use. In re Sebek, et al., 347 F2d 632, 146 USPQ 44 (CCPA, 1965). If the result of the process is unobvious and the particular use of the material is not suggested by the prior art, the process is patentable. Ex parte Wagner, 88 USPQ 217 (POBA, 1950).

In the present case, it is respectfully submitted that the N'Guyen, et al. reference in no way discloses that a liniment containing glutathione in unreacted and substantially pure form can be used in the treatment of immunosuppression due to contact of the skin by ultraviolet light, or in alleviating a reduction in immune functions due to contact of the skin by ultraviolet light. On the contrary, that teaching or suggestion comes only from the present application and constitutes an important element or aspect of the present invention.

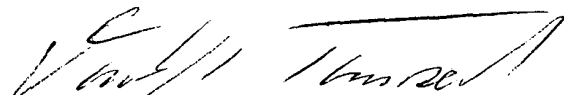
In view of the foregoing, it is respectfully submitted that the Examiner would be justified in no longer maintaining this rejection, especially in view of the fact that uncoupled or unreacted glutathione is apparently not present in the antioxidant

system disclosed in the N'Guyen, et al. reference. Withdrawal of the rejection is accordingly respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event that there is any reason why the application cannot be allowed at the rpresent time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted

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